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*Attorneys for Plaintiff*

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

DISCOVISION ASSOCIATES, a California  
partnership,

Plaintiff,

v.

TOSHIBA CORPORATION, a Japanese  
corporation,

Defendant.

No. 08 Civ. 3693 (HB)

**NOTICE OF MOTION**

PLEASE TAKE NOTICE THAT, upon the declaration of Dale Tarzia, dated May 8, 2008, Plaintiff's Statement Of Material Facts As To Which There Is No Genuine Dispute Pursuant To Local Civil Rule 56.1, dated May 28, 2008, the Memorandum of Law in support hereof dated, May 28, 2008, and all the prior pleadings and proceedings held herein, Plaintiff Discovision Associates, by its undersigned attorneys, hereby moves this Court, before the Honorable Harold Baer, on a date to be determined by the Court, for an order pursuant to Rule 56 of the Federal Rules of Civil Procedure granting partial summary judgment in favor of Plaintiff and against Defendant Toshiba Corporation on Plaintiff's First Claim for Relief (Breach

of Contract Regarding Audit), and such other and further relief as the Court deems just and proper.

Dated: New York, New York  
May 28, 2008

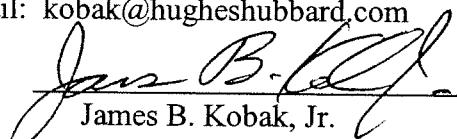
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By:



James B. Kobak, Jr.  
*Attorneys for Plaintiff*  
*Discovision Associates*

To: Frank J. Colucci  
Colucci & Umans  
218 East 50<sup>th</sup> Street  
New York, New York 10022-7681

*Attorneys for Defendant Toshiba Corporation*

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

----- x  
DISCOVISION ASSOCIATES, a California  
partnership,

Plaintiff, : No. 08 Civ. 3693 (HB)

v.

**AFFIDAVIT OF SERVICE**

TOSHIBA CORPORATION, a Japanese  
corporation,

Defendant.

----- x  
STATE OF NEW YORK.....)

ss.:

COUNTY OF NEW YORK....)

Margaret Murphy, being duly sworn, deposes and says that I am over the age of eighteen years, not a party to this action, and am in the employ of Hughes Hubbard & Reed LLP, attorneys for Plaintiff herein.

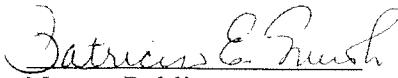
That on May 28, 2008, at approximately 3:15 p.m., deponent served  
**NOTICE OF MOTION, MEMORANDUM OF LAW IN SUPPORT OF PLAINTIFF'S MOTION FOR PARTIAL SUMMARY JUDGMENT, PLAINTIFF'S STATEMENT OF MATERIAL FACTS, and DECLARATION OF DALE TARZIA IN SUPPORT**, by hand upon:

Frank J. Colucci  
Colucci & Umans  
218 East 50<sup>th</sup> Street  
New York, New York 10022-7681

By personally leaving true copies with a person of suitable age and discretion who stated that he was authorized to accept service on behalf of Colucci & Umans.

  
\_\_\_\_\_  
MARGARET MURPHY  
License Number 1267699

Sworn to before me this  
28<sup>th</sup> day of May, 2008

  
\_\_\_\_\_  
Notary Public

PATRICIA E. SMITH  
Notary Public, State of New York  
No. 1SM4796951  
Qualified in Richmond County  
Certificate Filed in New York County  
Commission Expires March 30, 2011